UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES OF AMERICA,	)	Magistrate Docket No. '07 MJ 2925
Plaintiff,	)	
	)	COMPLAINT FOR VIOLATION OF:
v.	)	
	)	Title 8, U.S.C., Section 1326
Rene SANCHEZ-Estematis,	)	Deported Alien Found in the
	)	United States
	)	
Defendant	)	

The undersigned complainant, being duly sworn, states:

On or about **December 17, 2007** within the Southern District of California, defendant, **Rene SANCHEZ-Estematis,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James E. Bailey
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **18th** DAY OF **DECEMBER 2007**

William McCurine Jr.
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Rene SANCHEZ-Estematis

CEM

PROBABLE CAUSE STATEMENT

On December 17, 2007, Senior Patrol Agents O. Eberle and P. Molina were performing linewatch duties near Campo, California. At approximately 6:20 a.m., agents were alerted by Sector Communications of a seismic intrusion device activation in an area known as "The Windmill". This area is approximately eight miles east of the Tecate, California Port of Entry and one mile north of the U.S./Mexico International Boundary. This area is commonly used by illegal aliens to further their entry north into the United States. Senior Patrol Agent Molina arrived to the area and observed foot prints heading north from the device. Agent Molina followed the foot prints for approximately fifty yards and encountered four subjects attempting to conceal themselves in the surrounding brush. Agent Molina identified himself as a Border Patrol Agent and performed an Immigration Inspection on all individuals.

Agent Molina alerted available units via his Service radio that he had found four subjects. Agent Molina stated that one individual wearing a light brown pant and light brown shirt had run away from his location. Senior Patrol Agent Eberle responded to assist Agent Molina. Agent Eberle searched the surrounding area and found one individual that matched the description given by Agent Molina. Agent Eberle identified himself as a United States Border Patrol Agent and questioned the subjects, including the individual later identified as the defendant **Rene SANCHEZ-Estematis**, as to their citizenship and nationality. All four subjects, including the defendant, stated that they were citizens of Mexico and did not have any immigration documents to be or remain in the United States. All subjects were arrested and transported to the Tecate Processing Center in Tecate, California for further processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **December 12, 2007** through **Nogales, Arizona.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

James E. Bailey
SIGNATURE OF COMPLAINANT
James E. Bailey
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 18th DAY OF **DECEMBER 2007**

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William McCurine Jr.
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